



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

August 2, 2022

Re: FOIA Request NLRB-2022-001603

Dear LaMarr Jones [IBEW Local Union 58]:

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received on July 21, 2022, in which you stated: "IBEW Local 58 is requesting information as to the status of their challenge as we nor our lawyer have received any information on the case." Your request provided an attached letter, in which you refer to "Powerhome Solar" as the Employer in the case. You assumed \$1.00 in fees.

We acknowledged your request on July 21, 2022.

A search of the Agency's electronic casehandling system, NxGen, was conducted. Conducting a search for a responsive NLRB case was possible, given your provision of the name of the Employer, and using the name of your Union. Our search reasonably identified Power Home Solar, LLC, Case No. 07-RC-279452 as the case to which you are likely referring. Regarding the "status of the [Employer's] challenge" in that case, the search revealed that the latest formal record that issued in the case is a May 9, 2022 Board Order denying the Employer's request for review. I have attached a copy of that Board Order here. The Order can also be found at: <https://www.nlr.gov/case/07-RC-279452>. Your request is, therefore, granted in full.

For the purpose of assessing fees, we have placed you in Category A, commercial use requester. This category refers to requests "from or on behalf of a person who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made, which can include furthering those interests through litigation." NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(v). Consistent with this fee category, you "will be assessed charges to recover the full direct costs of searching for, reviewing for release, and duplicating the records sought." 29 C.F.R. § 102.117(d)(2)(ii)(A). Charges are \$9.25 per quarter-hour of professional time. 29 C.F.R. § 102.117(d)(2)(i).

Because the record is available on the NLRB's website, there are no fees assessed for this request.

You may contact William Hearne, the Attorney-Advisor who processed your request, at (202) 273-0139 or by email at william.hearne@nrlb.gov, as well as the Agency's FOIA Public Liaison, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the FOIA Specialist or Attorney-Advisor, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the FOIA Public Liaison is:

Kristine M. Minami
FOIA Public Liaison
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: FOIAPublicLiaison@nrlb.gov
Telephone: (202) 273-0902
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: (202) 741-5770
Toll free: (877) 684-6448
Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at:
<https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

Nancy E. Kessler Platt
Chief FOIA Officer
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570

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Email: DLCFOIAAppeal@nrlb.gov

Any appeal must be postmarked or electronically submitted within 90 days of the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the FOIA Specialist, Attorney-Advisor, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

/s/ Synta E. Keeling

Synta E. Keeling
FOIA Officer

Attachment: (two pages)